THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.1931 of 2006

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Dated:02.02.2006

Between:

Veerapaneni Chaitanya Kumar.

..... PETITIONERS

AND

Andhra Pradesh Public Service Commission and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.1931 of 2006

ORDER:

The petitioner is a resident of Mundlamur Village in Prakasam District. In pursuance of a recruitment notification issued by the Andhra Pradesh Public Service Commission, the first respondent herein, the petitioner allegedly sent an application for appearing in Group-II examinations, which was scheduled on 08.10.2005. It is his case that as per the procedure, he downloaded the Hall Ticket from the website of

the first respondent, and went to the examination hall at Ongole. When the examination was about to commence, the second respondent insisted on production of Hall Ticket issued by the Office of the first respondent, and did not allow the petitioner to appear in the examination. Therefore, the petitioner issued a legal notice under Section 80 of the Code of Civil Procedure, 1908, claiming compensation of a sum of Rs.5,00,000/-. Thereafter, he filed the instant writ petition seeking a writ of mandamus declaring the action of the second respondent in not allowing him to write the Group-II examination on 08.10.2005, as illegal and arbitrary.

As held by this Court in **K.P. Hussain Reddy v. Executive Engineer, M.I. Division, Nandyal**, the remedy of compensating under Article 226 of the Constitution of India for a constitutional tort is available only when the right to live and liberty, guaranteed under Article 21 of the Constitution of India, is violated. In this case, the petitioner, presumably, complains the infringement of his fundamental right under Article 16 of the Constitution of India, and therefore, the same cannot be treated as a constitutional tort. If so advised, the petitioner may have to approach the Civil Court and produce necessary evidence regarding the damages suffered by him.

The Writ Petition, with the above observations, is dismissed. No costs.

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(V.V.S.RAO, J)

02.02.2006

vs